

(2)

1 Peter Christian Roper

2 1450 1 TX ST ~~PHOENIX~~

3 712804 CA 90028

4 909-522-2648

5 Attorney for ~~Appellant~~

1386-24
Douglas
A285607

U.S. BANKRUPTCY COURT
DISTRICT OF DELAWARE

UNITED STATES BANKRUPTCY COURT *APPEAL DIVISION*
FOR THE DISTRICT OF DELAWARE
APPEAL

10 Peter Christian Roper) Case No. 04-10324 (DDS) 04-10327

11 *1386-24S*) 04-10325, 04-10323, 04-10326

12 *Douglas*) Motion for Order in Section 546(c)

13 *ARIZONA 85607* of the Bankruptcy Code for Priority

14 V) Claim or Lien in section 503(b)

15 Garden Ridge Corp. Garden Ridge) *TO GRANT Payment*

16 Investments, Garden Ridge Management) *FOR CLAIMS*

17 Garden Ridge Finance Corp. Garden Ridge)

18 Garden Holdings INC) *SURG TRIN DEMAND*

19 19411 Atrium Place, Ste. 170)

20 Houston, Texas 77081

21 (1) The ~~Appellant~~, Peter Christian Roper, a hearty, Patriotic,

22 U.S. Citizen, Complete Owner of U.S. Patent 4,713,909 'Indoor

23 AND OUTDOOR CLOTH FARM ' IN Exhibit I, Page and 5 U.S. VALID

24 Copyrights , and Copyright TXU-69-514 'United Space of America"

25 in Exhibit 2, Page files this Motion seeking an order pursuant

26 to section 546 (c) of the Bankruptcy Code granting Priority

27 Claim or Lien in section 503 (b) of the Bankruptcy Code for

28 Payment of Patent and Copyright Royalties to *PETER C ROOPER*

(2)

(5)

1 Peter Christian Roper, caused by The Defendants, Garden
 2 Ridge Corp., Garden Ridge Investments Inc., Garden Ridge
 3 Management Inc., Garden Ridge Finance Corp., Garden Ridge
 4 L.P., and Garden Ridge Holdings infringement of the Plaintiff,
 5 Peter Christian Roper 's U.S. Patent 4,713,909 and Copyright
 6 TXU 69-514 , Txu ¹⁹⁸⁰ ¹⁹⁸³ 141-593 by making, selling Floral Foam
 7 Sponge Flower Pots and in combination with Cloth Silk
 8 Flower Products protected in Fig 9 of The Plaintiff's
 9 U.S Patent 4,713,909 and in Claims 1,23,4 in Exhibit 1,
 10 Page , and Fig 9 in Copyright TXU 69-514 in Exhibit 2,
 11 Page in Millions of Units to Gross Sales of around
 12 \$30 Billion from 1979- 2005 for 25 years during the life
 13 of The Plaintiff's U.S. Patent 4,713,909, and 5 Copyrights
 14 that are still alive and actively in force from 1979 to
 15 2080 or beyond .

16 (6) Peter Christian Roper, filed an
 17 action in United States District Court, Central District of
 18 California CV 04-01571(M) in Jan 7, 2005 against Garden
 19 Ridge Corp., and its subsidiaries for Payment of Unpaid
 20 Patent and Copyright Royalties and Compensation owed to
 21 Peter Christian Roper, evidenced in Exhibit / , Page for
 22 nearly \$4 Billion Dollars.. The Plaintiff, Peter Christian
 23 Roper is sympathetic to Garden Ridge Reorganization Plan
 24 and is prepared to accept a lesser amount off \$ 6 Million
 25 Dollars or the maximum amount allowed within the reor-
 26 ganization Plan paid now and the balance of the \$ 6 Million
 27 paid in monthly payments over 2 years if Plaintiff's Motion
 28 for Priority Claim is granted or unopposed.

Handwritten notes:
 (5)
 Peter Christian Roper 9/7/06
 3/15/06

United States Patent

Roper et al.

[19]

[11] Patent Number: 4,713,909

[45] Date of Patent: Dec. 22, 1987

[54] INDOOR AND OUTDOOR CLOTH FARM

[56]

References Cited

U.S. PATENT DOCUMENTS

2,669,065 2/1954 Clegg 47/76

Primary Examiner—Robert E. Bagwill
Attorney, Agent, or Firm—Peter Roper, George Spector

[57]

ABSTRACT

A farm structure for growing plants or crop in a small area or increasing an area for farming, composed of several tiers of cloth, one above another, each cloth supporting a quantity of earth in which plants are growing; water used in watering plants on the uppermost tier, dripping downward successively through at the tiers, so to water the plants in each tier; extra layers of cloth snapped under any tier for greater water retention, flood lights under each tier, giving light to plants in a tier therebelow and warming a soil thereabove, and an elevator mechanism for lowering the tiers of a large outdoor model, so that harvesting can be done more efficiently at a ground level.

[21] Appl. No.: 363,292

[22] Filed: Mar. 29, 1982

Related U.S. Application Data

[63] Continuation of Ser. No. 905,475, May 12, 1978, abandoned.

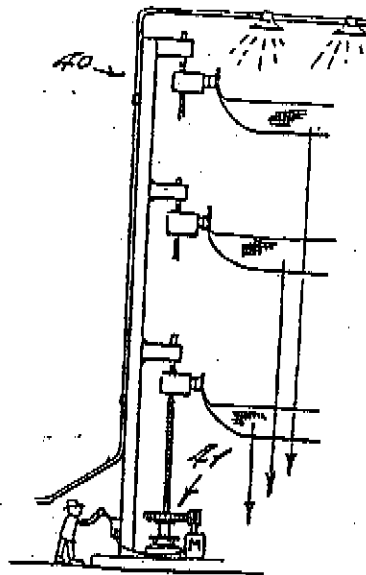
[51] Int. Cl. A01G 9/02

[52] U.S. Cl. 47/17; 47/66

[58] Field of Search 47/59-61,
47/65, 39, 67, 78, 17, 76

4 Claims, 9 Drawing Figures

EXHIBIT 1



GU

EXHIBIT 10

4,713,909

(38)

1

2

INDOOR AND OUTDOOR CLOTH FARM

This is a continuation of application Ser. No. 905,473, filed May 12, 1978, now abandoned.

This invention relates generally to miniature farms.

A principal object of the present invention is to provide a miniature farm in which plants are grown in tiers one above another, so to require less ground area.

Another object is to provide a miniature farm in which each tier includes a horizontal cloth holding a quantity of earth in which the plants grow, and irrigation water provided to the plants in the uppermost tier, dripping therethrough and through successive tiers therebelow, so to water all the plants in each tier with a single watering at the top.

Another object is to provide a cloth farm which may be made on either a small or large scale for indoor or outdoor installation.

Still another object is to provide a cloth farm wherein extra cloths snapped under a tier gives greater water retention in the tier, as needed by plants.

Still another object is to provide a cloth farm in which flood lights under a tier for plants therebelow also serves to give moist heat to roots of plants thereabove.

FIG. 1 is a perspective view of a small indoor model of the invention.

FIG. 2 is a perspective view of one of the cloth platforms shown above.

FIG. 3 is an enlarged detail thereof so to illustrate the snap fasteners that support it.

FIG. 4 shows another design of cloth platform support consisting of eyelets on the cloth and hooks on the frame.

FIG. 5 is a side view, partly in cross section, of a large commercial out-of-door model.

FIG. 6 is a detail of another out-of-door model in which the platforms can be lowered for purpose of seeding, hoeing or harvesting more conveniently and safely at ground level.

FIG. 7 is a cross section of another design of cloth platform, in which electric lights underneath serve to provide light for plants in a next lower cloth platform, the light also serving to heat and humidify water in the soil thereabove, so to create improved environment for the growing plants.

FIG. 8 shows the lamp of FIG. 7 above, and indicates a pan thereabove to catch some water which it heats and vaporizes.

FIG. 9 is a view of another design of the invention in which a cloth pot is held in on inner shell supported over an outer shell.

Referring now to the drawing in greater detail, and more particularly to FIGS. 1 through 4 thereof at this time, the reference numeral 10 represents a cloth farm according to the present invention, which is of indoor type. It includes a frame 11 that supports several tiers of cloth 12, one above the other, either by means of inter-connecting snap fasteners 13 on the frame and cloth corners, or by means of pegs 14 on frame hooking into grommet openings 15 along the cloth edges.

The cloth may be stitched so to form individual compartments 16 by means of cloth partitions 17 therebetween or simply by upward folds 18 supported over beams 19 of the frame. Soil 20 is placed on the supported cloth to a depth sufficient for growing the plants 21.

The model of cloth farm shown in FIG. 1 includes enclosing partitions 22 around sides thereof, which may comprise mirrors so to reflect the images of flowers growing therein for a more rich display. Outer sides of

partitions may be decorated with designs or paintings, as preferred.

Beneath a lowermost tier, a tank 23 serves to catch and hold the dripped water for re-use conservation. A spigot 24 is provided for draining water from the tank. The frame also encloses a bin 25 for extra soil and a bin 26 for tools, the bins being closable by hinged covers 27. The frame is supported upon wheels 28 so that the cloth farm can be moved between different areas of a house.

A nearby floor lamp 29 gives light to plants on the different tiers.

In FIG. 5 a cloth farm 30 is large so to be for outdoor use, and includes the above described cloths and frame for the soil and plants. In this design water to the uppermost tier is provided through watering system 31, in which a motor-driven pump 32 delivers water to sprinklers 33.

FIG. 3 also clearly shows that additional cloths 34 can be snapped to the underside of cloth 12 by means of snap fasteners 35 for increasing water retention in a tier.

In FIG. 6, an outdoor cloth farm 40 is the same as outdoor cloth farm 30 except that a mechanism 41 is included for each tier, so to lower the same to a ground level at time of harvesting so to be more convenient.

In FIGS. 7 and 8 illuminating lamps 42 secured to underside of a cloth, give light to plants in a tier therebelow. A pan 43 integral with the lamp frame serves to hold downward draining water in the soil, so that heat from the lamp therebelow heats the water so to humidify the soil in a warmed manner and thus promote better root growing conditions.

In FIG. 9 there is shown another design 44 of the invention that includes cloth pot 45 in an inner shell support frame 46 having sideward arms 47 placable in grooves 48 of an outer shell 49. Snap fasteners 50 are along a lower edge of the frame 46. The outer shell includes a sponge lining 51 and also includes locks 52 at bottom of grooves 48 so to lock the arms 47 therein. A saucer 49 is at the bottom of the outer shell, and a spigot 50 therebeneath serves to drain water out therefrom.

In the present invention, the food or flower production formula of $D/R=M$, applies wherein D equals a depth (of soil), R equals root length and M equals the multiplier factor to determine the number of plantings possible for each type plant.

What is claimed as new is:

1. A plant cultivator comprising a cloth structure adapted to hold cultivating material for growing plants with means for varying retention of irrigating liquid in said cultivator in combination with means for supporting said structure in horizontal position at various elevations above a base surface wherein said structure includes a plurality of vertically spaced superimposed sections, first said means comprising removable cloth layers.

2. A cultivator as in claim 1 second said means comprise movable supports for each section, said supports being driven by a mechanism to position said sections at variable elevations, wherein said supports are mounted on vertical members.

3. A plant cultivator comprising a structure supporting moveable vertically spaced superimposed cloth layers, adapted to hold cultivating material for growing plants, wherein each layer comprises removeable sections.

4. A cultivator as in claim 3, wherein said structure further comprises movable supports for each layer, said supports being driven by a mechanism to position said layers at various elevations wherein said supports are mounted on vertical members.

(38)

EXHIBIT 10

Page

38

FIG. 9.
✓ Floral
FOAMSPONGE
LINING 51Functional
Equivalent

Copyright

Search Records Results

Registered Works Database (Registration Number Search)

Search For:

TXu-69-514 (COHM)

Title: United space of America, human rights, Jesus, employment grow a universal moon cultivation of plants, clothgrow valuation, project b life, grow New York, West Indian America, and in America writings television production, film, magazines, books, radio, and many, m billions farms for Feed I International / by Peter Charles Roper.

Description: 19 p.

Claimant: Peter Charles Roper

Created: 1980

Registered: 22May81

Special Codes: 1/B

[Home](#) | [Contact Us](#) | [Legal Notices](#) | [Freedom of Information Act \(FOIA\)](#) | [Library of Congress](#)

U.S. Copyright Office
101 Independence Ave. S.E.
Washington, D.C. 20559-6000
(202) 707-3000

EXHIBIT 6

(31)

U.S. COPYRIGHT ©

(32)

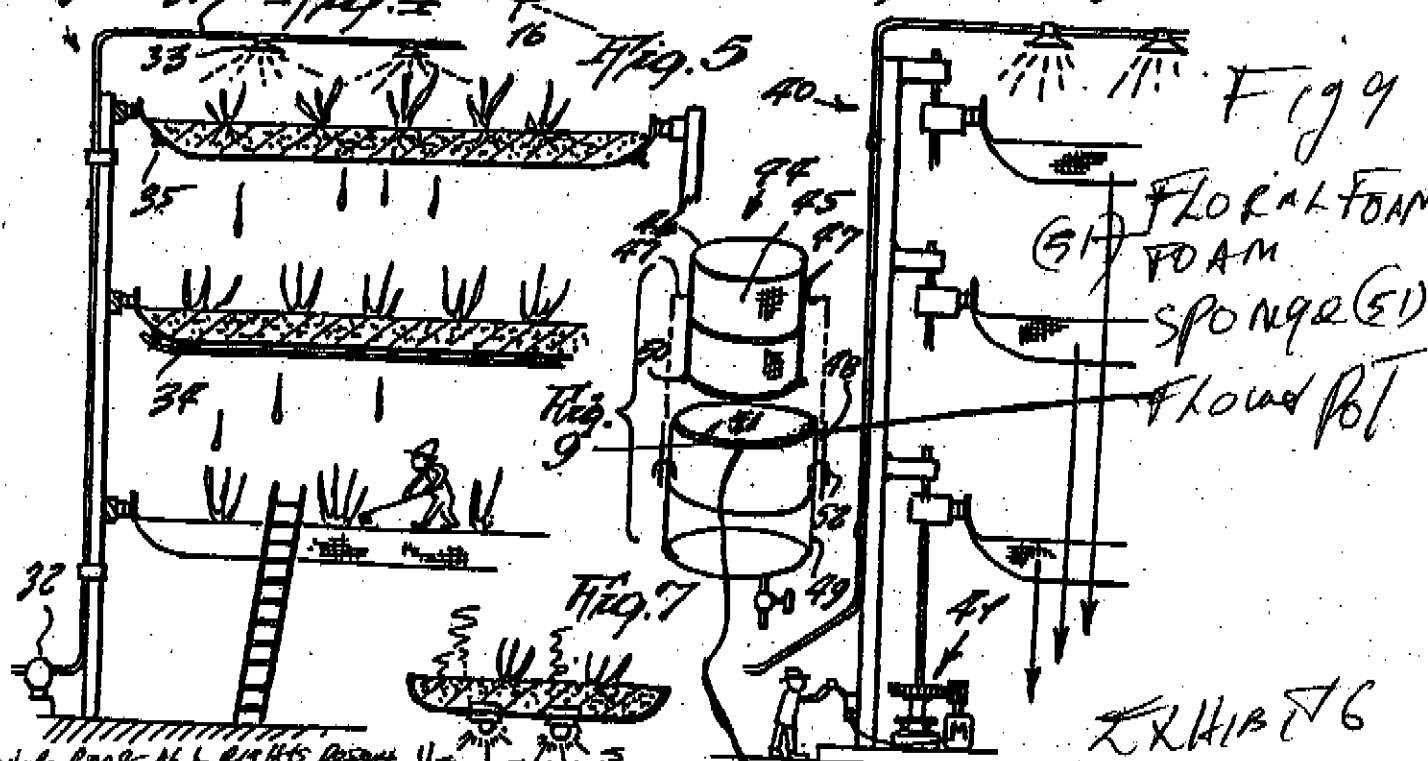
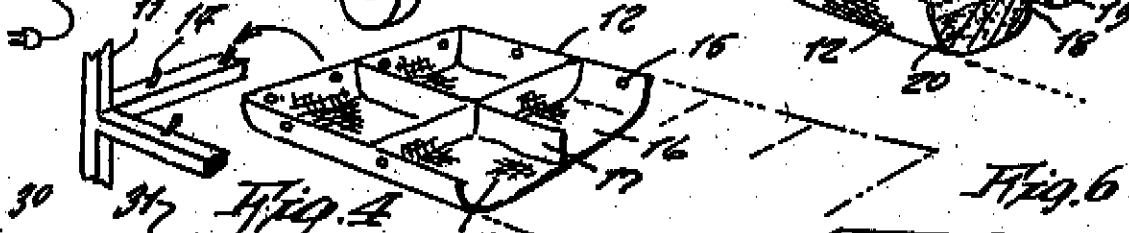
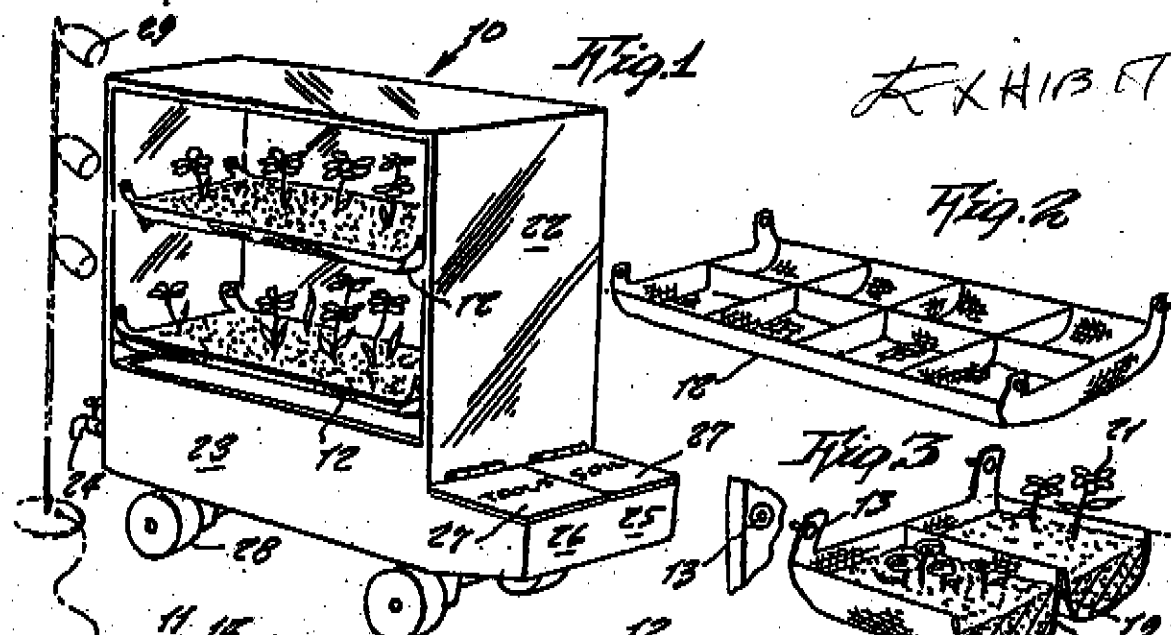
Sheet 1 of 1

4

JXUG9-514

Peter Christian Peter
DRAWINGS

KXHB ET 6



Copy Peter Christian Peter ALL RIGHTS RESERVED
Fig. 8
Fig. 9
Fig. 10
Fig. 11
Fig. 12
Fig. 13
Fig. 14
Fig. 15
Fig. 16
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Fig. 93
Fig. 94
Fig. 95
Fig. 96
Fig. 97
Fig. 98
Fig. 99
Fig. 100
FLORAL FOAM
(51) FOAM
SPONGE (51)
FLOW POT
KXHB ET 6
Fig. 9
Fig. 99
FLORAL FOAM SPONGE LINING + POT TO A FOAM SPONGE
... oil flow near 32

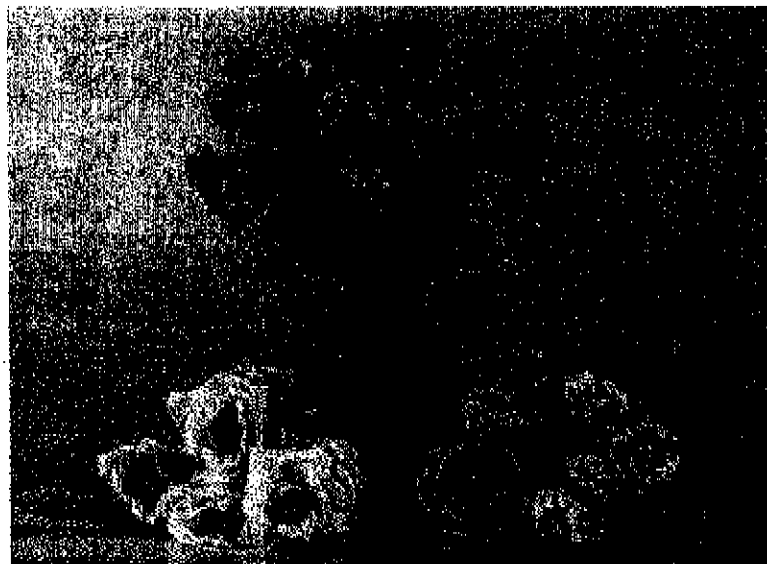
EXHIBIT 19

Garden Ridge

THE HOME DECOR & CRAFT MARKETPLACE



HOME DECOR SEASONAL KITCHEN, BED & BATH FLORAL & GREENERY BRIDAL & PARTY CRAFTS PATIO & POTTERY ART, MIRR

[Tips](#)[How To's](#)[Store Locator](#)

Floral & Greenery

The largest assortment of silk and dried floral, greenery all resides at Garden Ridge. Each season, beautiful new floral arrangements, or all the tools you need to create your own masterpiece. If greenery you'll love our lush, low-maintenance silk tree silk plants. Adding a natural touch to your décor has never been easier or more affordable!

Savings This Week!

Spring Is In the

Garden Ridge is the place for floral and greenery! 30% on all rose stems (reg. 1.99-6.99, sale shown). And save 25% on Garden Ridge floral stems. Bring a touch of the season home and for any special occasion have more floral and other store...all at the best price.

Prices good 2/9/2005

[Contact Us](#)[Company Info](#)[Employment](#)[Vendor Info](#)[Our Stores](#)[Online Registration](#)

EXHIBIT 19

(48)

(10)

COUNT I Compensation for Patent Infringement in Title 35 U.S.C.I. SEC.. 271, 284

2. (D) The Appellant, Peter Christian Charles Roper, Owner and
 3. Inventor of U.S. Patent 4,713,909 request the U.S. Court of
 4. Of Appeals, Honorable Judges, hearty Jury members to rule
 5. for the Appellant and have the Appellee, ^{GARDEN CORP, ETAL} Ridge Stores,
 6. pay Peter Christian Charles Roper \$6 Million Dollars
 7. Compensation for Patent Infringement Damages caused by
 8. ^{AND HIS} GARDEN Ridge Stores willful and intentional infringement by mak-
 9. ing, selling Billions of Units of FLORAL FOAM SPONGES, and
 10. FLORAL FOAM SPONGE FLOWER POTS protected in the Claims and
 11. Fig 9 of Appellant Peter C Roper's U.S. Patent 4,713,909 .
 12. Exhibit, 10, Pages 36 or whatever necessary amount for 6 years.

12 COUNT 2 (18) The Appellant, Peter Christian Charles Roper, Owner
 13. of U.S. Patent 4,713,909 request the Honorable Judges for
 14. U.S. Court of Appeals, ^{BANKRUPTCY} Circuit, respectable Jury Members,
 15. to rule to have ^{GARDEN CORP ETAL} Ridge Stores, Pay Peter Christian Roper
 16. \$6 Million Dollars in Patent Royalties for making, and
 17. selling Millions of Units of Floral Foam Sponge Combinations
 18. with Cloth Silk Flowers, and POTTED FLORAL Foam Sponge-, Cloth
 19. Silk Flower combinations in Peter Roper's U.S. Patent 4,713,909
 20. from 1979-2004, 26 years or from 1999-2004 or whatever nec-
 21. essary amount within Title 35 U.S.C. Sec.. 271 which states
 22. 'NO PATENT OWNER SHALL BE DENIED RELIEF'. Exhibit Page.

23 COUNT 3 (14) The Appellant, Peter Christian Charles Roper, request
 24. The U.S. Court Appeals Judges, respectable Jury to rule to
 25. have ^{GARDEN CORP, ETAL} Ridge Stores pay The Appellant, Peter Christian Charles
 26. Roper \$6 Million dollars for Business Losses caused by
 27. Stores infringement off his patent or whatever nec-
 28. essary amount in Title 35 U.S.c Sec.. 271, 284. (10)

INVOICE 1099

TO - GARDEN RIDGE CO. INC.
192411 ATRIUM PLAC 512170
HOUSTON, TEXAS 77054
GARDEN RIDGE FINANCE
GARDEN RIDGE HOLDINGS
GARDEN RIDGE LLC (L)

Invoice Date:

1997-2006

Invoice Number:

1978-2006

Customer Number:

500

From - Peter Christian, Charles Roper
Attn: Peter Christian
1550 Wilcox St
Apt 205
Hollywood CA 90028

EXHIBIT 16

Copyright and Patent Royalty on Floral Foam Sponges POTS + SILK Flowers

DATE	TYPE	DOC NO	REF NUMBER	DESCRIPTION	PAGE	DEPTH	RATE	AMOUNT
1997-1998	INV	1978	MILLIONS OF	COPYRIGHT TX 469-914				222,222.22
1996			FLORAL	COPYRIGHT TX				222,222.22
1999			FOAM	COPYRIGHT TX				222,222.22
2000			SPONGE	COPYRIGHT TX				222,222.22
2001			FLOWER	COPYRIGHT TX				222,222.22
2002			POTS	ROYALTY FOR				222,222.22
2003			SMALLER	U.S. Patent 4,713,909				222,222.22
2004			SILK	ROYALTY 1997-1999				222,222.22
2005			Flowers					222,222.22
2006								222,222.22
TOTAL								9333,333.33

Please detach and return this portion with payment. To ensure proper credit to your account, please write your customer number on your check. If you have any questions about your account, please contact Accounts Receivable at (818) 274-1111.

Invoice Date

Invoice Number

Customer Number

500

PLEASE PAY: 3333,333.00

Peter Christian, Charles Roper
1550 Wilcox St
Apt 205
Hollywood CA 90028

☐ Mastercard ☐ Visa ☐ Amex

Credit Card #

Exp Date / / Amount

Signature

Instruction schools, camps, and services.

Pr: Menahem Less
*Sec: Gail Less
*VP: Gary Books

GARDEN CITY CASINO & REST

See GARDEN CITY INC

GARDEN CITY CO-OP INC (KS)

106 N 6th St, Garden City, KS 67846-5545
Tel (620) 275-6161 Founded/Ownership 1919
Sales 48.8MM Emp 78
Accts: Unobberg & Vogel CPA
SIC 5153 5191 5172 5541 5411 Grains, wht;
Feed, wht; Seeds: field, garden, and flower, wht;
Fertilizer and fertilizer materials, wht; Chemicals,
agricultural, wht; Petroleum products, nec, wht;
Filling stations, gasoline, ret; Truck stops, ret;
Convenience stores, ret.
Pr CEO: Irvin Clubine
Tr: Marc Miller
VP: Ken Jameson

GARDEN CITY FARM LLC

1805 W Annie Scheer Rd, Garden City, KS 67846
Tel (620) 275-4191 Founded/Ownership 1994
Sales 31MM Emp 60
Accts: Wilson Haag & Co PC Amarill
SIC 0211 Beef cattle feedlots.
Tr: Odeess Lovin

GARDEN CITY GROUP INC

(Suby of CRAWFORD & CO) *
105 Main St Ste 320, Melville, NY 11747-3847
Tel (631) 470-5000 Founded/Ownership 1994, 1999
Sales 32MM Emp 208
SIC 8111 Specialized legal services.

Ch Bd: Michael J. Sherin
Pr: David Isaac
Ex VP: Neil Zola
Sr VP: Richard Cohen
Sr VP: Lois Schnipper
VP: Fabio D'Arleone
VP: Timothy O'Neill
VP: Andrew Sommer
Cont: Arun Rao
Board of Directors: Peter Callahan,

GARDEN CITY HOSPITAL OSTEOPATHIC

(MI)
6245 Inkster Rd, Garden City, MI 48135-4001
Tel (734) 458-3200 Founded/Ownership 1942, 1986
Sales 121MM Emp 1,200
Accts: Ennis & Young LLP
SIC 8062 8011 General medical and surgical
hospitals: Offices and clinics of medical doctors.
Pr: Gary R. Lay
CFO: Bob Giddings
*CFO VP: Christopher Palazzolo
VP: Mitch Nimmo
VP: Tom Daskalakis

GARDEN CITY HOTEL INC (NY)

45 7th St, Garden City, NY 11530-2807
Tel (516) 747-3000 Founded/Ownership 1982
Sales 16MM Emp 475
Bank: Fleet National Bank, Jericho, NY
SIC 7011 Hotels.
Ch Bd: Myron Nefkin
*Pr: Catherine Nefkin
Cont: Gary Stahl

GARDEN CITY INC (CA)

GARDEN CITY CASINO & REST
360 Saratoga Ave, San Jose, CA 95129-1324
Tel (408) 244-3333 Founded/Ownership 1974, 1993
Sales 23.1MM Emp 569
SIC 7999 Card rooms.
*Pr: El Reinhard
CFO: Sharon Bass Lighterink
Sec: Sheryl L. Standridge
VP: Michael Fletcher
VP: Lou Pyle
Cont: Ron Sommerville
Trst: Frederick Wyle

GARDEN COMPANIES INC

6072 Shallowford Rd, Chattanooga, TN 37421-1811
Tel (423) 499-4488 Founded/Ownership 1990
Sales 37.2MM Emp 125
SIC 5191 Seeds: field, garden, and flower, wht;
Grass seed, wht.
Pr CEO: Steve Strevor
Sec: Tom Downs
Cont: Paula Potter
Board of Directors: Fred Danforth, Jack O'Mara,
Rick Schreiber, Carl Stanton,

GARDEN FOODS INC (MI)

6430 Wyoming St, Dearborn, MI 48126-2342
Tel (313) 584-2800 Founded/Ownership 1989
Sales 12MM Emp 54
Bank: Comerica Bank, Dearborn Heights, MI
Accts: Ahmad Chebbani Es
SIC 5149 Juices, wht; Soft drinks, wht.
Pr: Chaler Aoun
*VP: Mohammed Baraka
Cont: Abey Bachrouche

GARDEN FRESH DISTRIBUTION SERVICE

INC (NJ)
700 Barnsboro Rds, Richmond, NJ 08074
Tel (856) 582-6646 Founded/Ownership 1987
Sales 12MM Emp 5

SIC 5148 Fresh fruits and vegetables, wht.

*Pr: Mervin Jetter
VP: Chris Jetter

GARDEN FRESH RESTAURANT CORP

(CA)
SOUPPLANTATION
13822 Bernardo Center Dr, San Diego, CA 92127-2320
Tel (858) 675-1600 Founded/Ownership 1983
Sales 214MM Emp 5,400
Tr Sym LTUS Exch NMS
Accts: KPMG LLP
SIC 5812 Restaurant, family; chain, ret.
Ch Bd Pr: Michael P Mack
COO: Lloyd J Fritzmeier
Sr VP: R Gregory Keller
Sec Fin: David W Qualls
VP: Walter J Carucci
VP: Ken Keane
VP: Hum Risco; Kenneth J Keane
Ex Dir: Richard Thompson
Ex Dir: John Vilebuz
Board of Directors: Edgar F Berner, Edward A
Bleichschmidt, Robert A Cunisi, Michael M
Minchin Jr, David Nierenberg, John M Robbins.

GARDEN FRESH SALAD

See GARDEN FRESH SALAD CO INC

GARDEN FRESH SALAD CO INC (MA)

GARDEN FRESH SALAD
15-20 Neng Prod Ctr, Chelsea, MA 02150
Tel (617) 889-1580 Founded/Ownership 1966, 1970
Sales 28.3MM Emp 20
Bank: Fleet National Bank, Providence, RI
SIC 5148 2099 Fruits, fresh, wht; Vegetables,
fresh, wht; Cole slaw, in bulk.
Pr Tr: Ismaele D'Alleva
*VP: Luigi D'Alleva
VP: Mary D'Alleva
Cont: Lisa Burke

GARDEN GAZEBO INC

5595 Ruby Rd Ste 8, Norfolk, VA 23502-2460
Tel (757) 461-0337 Founded/Ownership 1995
Sales 5MM Emp 200
SIC 5261 5193 Retail nurseries and garden stores,
ret; Nursery stock, wht.
Pr: Darryl Kaurandha

GARDEN GROVE HOSPITAL

See FENET HEALTHCARE

GARDEN GROVE HYUNDAI

See HAN KOOK ENTERPRISE INC

GARDEN HOLDINGS INC

650 Madison Ave Fl 24, New York, NY 10022-1029
Tel (212) 838-9660 Founded/Ownership 2000
Sales 228MM Emp 3,500
SIC 5999 Artificial flowers, ret; Candle shops, ret;
Picture frames, ready made, ret.

GARDEN ISLE SEAFOOD

See GARDEN & VALLEY ISLE SEAFOOD INC

GARDEN MALL INC (IN)

PERES ENTERTAINMENT CENTER
5629 Saint Joe Rd, Fort Wayne, IN 46835-2047
Tel (260) 486-1979 Founded/Ownership 1989
Sales 3MM Emp 195
SIC 5813 7299 Night clubs, ret; Banquet hall
facilities.
Pr: Stanley Liddell Jr

GARDEN MANOR EXTENDED CARE CEN-

TER INC (OH)
6898 Hamilton Middletown, Middletown, OH
45044-7859
Tel (513) 424-5321 Founded/Ownership 1950, 1967
Sales 5.4MM Emp 230
SIC 8031 8361 Convalescent home with con-
tinuous nursing care; Residential care.
Pr: Sam Boymet
*Tr: Rachel Boymet
VP: Gidon Eldad
Cont: Jim Seewalinder

GARDEN MAJOR FARMS INC

355 Food Center Dr, Bronx, NY 10474-7000
Tel (718) 893-5350 Founded/Ownership 1997
Sales 12.5MM Emp 25
SIC 5147 Meats and meat products, wht.
Pr: Stanley Wilhelm

GARDEN OF EDEN

See MONTAGUE FANCY FOOD INC

GARDEN OF LIFE INC

770 Northpoint Pkwy Ste 100, West Palm Beach, FL
33407
Tel (561) 748-2477 Founded/Ownership 2000
Sales 16.3MM Emp 79
SIC 2834 Vitamin, nutrient, and hematologic
preparations for human use.
Ownr: Nils Ruben
Ownr: Jordan Rubin
CFO: Robert Carvin
*CFO: Brian Ray
*COO: Rich Poyl

GARDEN PALS INC (CA)

(Suby of FORMOSA TOOLS CO LTD, Taiwan
China Rep Of)
5400 E Francis St, Ontario, CA 91761-1601
Tel (909) 605-0200 Founded/Ownership 1990
Sales 11.6MM Emp 90
SIC 5083 3423 2514 2511 Lawn and garden
machinery and equipment, wht; Hand and edge
tools, nec; Metal household furniture; Wood
household furniture.
Pr: Ching-Tun Hsu
COO: Tony Hsu
CFO: Hy Hsu

GARDEN PARK COMMUNITY HOSPITAL

LP (MS)
COLUMBIA GARDEN MEDICAL CENTER
(Suby of HCA INC) *
15200 Community Rd, Gulfport, MS 39503-3085
Tel (228) 575-7000 Founded/Ownership 1973, 1995
Sales 22.5MM Emp 500
SIC 8062 General medical and surgical hospitals.
Pr: Tommy Fris MD
*CFO: Jack Bowender
CFO: Regina Moore
*CFO: Regina Ramazani
COO: Dianne Tipton
Ex Sec: Daphne King
Cont: Cindy Cofield

GARDEN PLAZA CONVALESCENT HOME

See AMADA ENTERPRISES INC

GARDEN PRINTS INC (CA)

2915 E 12th St, Los Angeles, CA 90023-3623
Tel (323) 268-3478 Founded/Ownership 1958
Sales 17.8MM Emp 300
Bank: Union Bank of California NA, San Francisco,
CA
SIC 2681 2392 Printing of cotton broadwoven
fabrics; Tablecloths and table settings; Towels,
dishtowels and dust cloths.
Ownr Pr: Richard Savdhan
Pr: Harold Scherholt
CFO: Jeff Zane
*Tr VP: John Savdhan
VP: Bill Cashel
Qual Cert Mar: Grace McKinnell

GARDEN RIDGE

See GARDEN RIDGE HOLDINGS INC

GARDEN RIDGE CORP

(Suby of GARDEN HOLDINGS INC) *
19411 Atrium Pl Ste 170, Houston, TX 77084-6024
Tel (281) 579-7901 Founded/Ownership 1979, 2000
Sales 461MM Emp 3,500
Accts: Arthur Andersen LLP
SIC 5999 5719 5945 5947 5992 Artificial flowers,
ret; Candle shops, ret; Picture frames, ready
made, ret; Kitchenware, ret; Glassware, ret; Pic-
tures, wall, ret; Pottery, ret; Hobby and craft sup-
plies, ret; Arts and crafts supplies, ret; Party
favors, ret; Flowers, fresh, ret.
Ch Bd CEO: Armand Shapiro
Pr: Jack Lewis
CFO Sec: Jane L Arbuthnot
Ex VP: Col Elter
Sr VP: Dan Ferguson
Sr VP: Barbara Helm
Sr VP: Richard Nawrot
VP: Bill Bennett
VP: Norman M Brody
VP: Dennis Dye
VP: Stephen C Fox
VP: David Henly
VP: Lisa Lovell
Comp Cont: Andy Muselman
Cont: Bruce Breedlove

GARDEN RIDGE HOLDINGS INC

GARDEN RIDGE
19411 Atrium Pl Ste 170, Houston, TX 77084-6024
Tel (832) 391-7201 Founded/Ownership 1979, 1992
Sales 261MM Emp 4,000
SIC 5999 5719 5945 5947 5992 Artificial flowers,
ret; Candle shops, ret; Picture frames, ready
made, ret; Kitchenware, ret; Glassware, ret; Pic-
tures, wall, ret; Pottery, ret; Hobby and craft sup-
plies, ret; Arts and crafts supplies, ret; Party
favors, ret; Flowers, fresh, ret.
Ch Bd CEO: Armand Shapiro
*Pr: Jack Lewis
*CFO VP: Jane Arbuthnot
*Sr VP: Dennis Dye
*Sr VP: Dan Ferguson
*VP: Wendell Funk
*VP: Lisa Lovell
Cont: Bruce Breedlove

GARDEN RIDGE INVESTMENTS INC

(Suby of GARDEN RIDGE CORP) *
19411 Atrium Pl Ste 170, Houston, TX 77084-6024
Tel (281) 579-7901 Founded/Ownership 1995
Sales 228MM Emp 3,500
SIC 5999 5719 5945 5947 5992 Artificial flowers,
ret; Candle shops, ret; Picture frames, ready
made, ret; Kitchenware, ret; Glassware, ret; Bed-
dings and linens, ret; Pictures, wall, ret; Hobby
and craft supplies, ret; Arts and crafts supplies,
ret; Party favors, ret; Flowers, fresh, ret.
Pr CEO: Paul Davies
*CFO Sec: Jane Arbuthnot
Cont: Bruce Breedlove

GARDEN RIDGE LP (TX)

GARDEN RIDGE POTTERY
(Suby of GARDEN RIDGE INVESTMENTS INC) *
19411 Atrium Pl Ste 170, Houston, TX 77084-6024
Tel (281) 579-7901 Founded/Ownership 1979, 1995
Sales 228MM Emp 3,500
SIC 5999 5719 5945 5947 5992 Artificial flower
ret; Candle shops, ret; Picture frames, ready
made, ret; Kitchenware, ret; Glassware, ret; B-
dings and linens, ret; Pictures, wall, ret; Hobby
and craft supplies, ret; Arts and crafts supplies,
ret; Party favors, ret; Flowers, fresh, ret.
Ch: Armand Shapiro
Pr CEO: Paul Davies
CFO VP: Jane Arbuthnot
Sr VP: Kevin Rutherford
VP: Dennis Dye
VP: David S Henley
Cont: Bruce Breedlove
Cont: Andy Muselman

GARDEN RIDGE POTTERY

See GARDEN RIDGE LP

GARDEN SATURN INC (NY)

SATURN
265 N Franklin St, Hempstead, NY 11550-1310
Tel (516) 565-2400 Founded/Ownership 1992
Sales 13MM Emp 33
SIC 5521 5511 Used car dealers, ret; New and
used car dealers, ret.
Pr: John Burns

GARDEN SPOT AUTO AUCTION

See GARDEN SPOT EQUIPMENT AUCTION

GARDEN SPOT EQUIPMENT AUCTION (PA)

GARDEN SPOT AUTO AUCTION
1605 Apple St, Ephrata, PA 17522-1300
Tel (717) 738-7900 Founded/Ownership 1962
Sales 20.4MM Emp 80
SIC 5012 Automobile auction, wht.
Pr Sec: Omar Landis

GARDEN SPOT VILLAGE (PA)

433 S Kinzer Ave, New Holland, PA 17557-9360
Tel (717) 355-6000 Founded/Ownership 1990
Sales 7.9MM Emp 220
Accts: Brown Schmitt Stender & Fritz
*CFO: 4051 6513 Dwelling operators, except
apartments; Skilled nursing care facilities; Apart-
ment building operators.
*Ch Bd: Dale M Weaver
*VP: Philip Hays
CFO: Steve Lindsey
*CFO: Philip Bursholder
*Sec: Robert Weaver
*Tr: C Kenneth Martin
VP: John W Farber
Ex Dir: Nevin Kravitz
Ex Dir: Melvin Kravitz

GARDEN STATE AUTO PARK

See GARDEN STATE FORD INC

GARDEN STATE AUTO PARK PONTIAC

GMC TRUCK INC (NJ)
105 Hwy 36, Eatontown, NJ 07724-2509
Tel (732) 542-7800 Founded/Ownership 1983
Sales 27.7MM Emp 80
Bank: Fleet National Bank, Chatham, NJ
SIC 5511 New and used car dealers, ret.
Pr: John Schmelz

GARDEN STATE BUSINESS SYSTEMS

See DATAFATION SYSTEMS INC

GARDEN STATE ENGINE & EQUIPMENT

CO INC (NJ)
3509 US Highway 22, Somerville, NJ 08876-3457
Tel (908) 554-5444 Founded/Ownership 1977
Sales 13.3MM Emp 30
Accts: Konigsberg Wolf & Co PC
SIC 5082 General construction machinery and
equipment, wht.
Pr: Paul Baldassarre
*VP: Frank Spakato
Cont: Dirk Press

GARDEN STATE FORD INC (NJ)

GARDEN STATE AUTO PARK
131 Newman Springs Rd E, Shrewsbury, NJ
07702-4011
Tel (732) 542-7800 Founded/Ownership 1989
Sales 25.7MM Emp 70
Bank: United Trust Bank, Bridgewater, NJ
SIC 5511 New and used car dealers, ret.
Pr: John Schmelz

GARDEN STATE HOSPICE

70 Jackson Dr, Cranford, NJ 07016-3510
Tel (908) 931-9080 Founded/Ownership 1995, 2000
Sales 10.3MM Emp 165
SIC 8069 8051 Cancer hospital; Skilled nursing
care facilities.
CEO: Andrew Horowitz
*CFO: Robert Anderson

GARDEN STATE LIFE INSURANCE CO

INC (MD)
(Suby of AMERICAN NATIONAL INSURANCE CO
INC) *
2450 S Shore Blvd Ste 401, League City, TX

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:)	Chapter 11
)	
GARDEN RIDGE CORPORATION,)	Case No. 04-10324 (KJC)
<i>et al.</i> ,)	
Debtors.)	Jointly Administered
)	Ref. Docket Nos. 2117, 2119, 2132, 2144, 2240, 2252, 2278, 2279, 2285

**ORDER DENYING (I) MOTION FOR RECONSIDERATION TO
GRANT PAYMENT FOR CLAIMS (DOCKET NO. 2117), AND
(II) MOTION FOR ORDER RE: LEAVE TO FILE ACTION WITHOUT
PREPAYMENT OF FILING FEE IN FORMA PAUPERIS (DOCKET NO. 2119)**

Upon consideration of the *Motion for Reconsideration to Grant Payment for Claims* (the "Motion") [see Docket No. 2117] filed by Peter Christian Roper ("Roper") on March 20, 2006; and upon consideration of the opposition of the above-captioned reorganized debtors' (collectively, the "Debtors") thereto [see Docket No. 2132]; and upon consideration of the *Motion for Order re: Leave to File Action Without Prepayment of Filing Fee In Forma Pauperis* (the "IFP Motion") [see Docket No. 2119] filed contemporaneous with the Motion; and the Court having held a hearing to consider the Motion, the IFP Motion and the Debtors' opposition thereto on April 11, 2006 (the "Hearing"); and the Court having determined at the Hearing that Mr. Roper should be afforded an evidentiary hearing (an "Evidentiary Hearing") in order to substantiate and meet the burden of proof required to adequately consider the relief requested in the Motion and the IFP Motion; and, therefore, the Court having entered an order (the "First Order") on April 13, 2006 [see Docket No. 2144] scheduling the Evidentiary Hearing for July 18, 2006 and ruling that "[a]s indicated to the parties at the April 11, 2006 hearing, if Mr. Roper[] fails to appear at the scheduled evidentiary hearing, the Court intends to deny the Motion and the IFP Motion"; and the Court having entered a further order (the "Second Order")

scheduling the Evidentiary Hearing for August 31, 2006 and ruling that "[a]s indicated at the April 11, 2006 hearing and in this Court's Order of April 13, 2006, if Mr. Roper fails to appear at the scheduled hearing, the Court intends to deny the Motion and the IFP Motion"; and the Court having entered an order on August 28, 2006 (the "August 28th Order") [see Docket No. 2285], denying Mr. Roper's further request to adjourn the Evidentiary Hearing; and Mr. Roper having failed to personally appear at the scheduled Evidentiary Hearing to consider the Motion and the IFP Motion; and upon the findings of fact and conclusions of law set forth on the record of the Hearing and the rulings contained in the First Order and the Second Order, it is hereby

ORDERED, that the Motion and the IFP Motion are denied.

Dated: August 31, 2006
Wilmington, Delaware



KEVIN J. CAREY
UNITED STATES BANKRUPTCY JUDGE

PROOF OF SERVICESTATE OF CALIFORNIA, COUNTY OF *Colusa*

CASE NAME:

Gordon Ridge Corp

CASE NUMBER

04-10324

(USDC -

I am employed in the County of *Colusa*, State of *Arizona*. I am over the age of 18 and not a party to the within action; my business address is:

[X]

On *9/1/06*, 2006 I served the following document described as:

Motion AD Real
in this action by transmitting a true copy thereof enclosed in a sealed envelope addressed as follows:

P. Morgan Yang Company
1000 West
Williamston Del Norte

[X] BY MAIL As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at *California* in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[] BY PERSONAL SERVICE I delivered such envelope by hand to the offices of the above-identified recipients.

[] FEDERAL I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on

*Sept 8 2006**Arizona*

J. Chess

FORM 6. Motion and Declaration for Leave to Proceed in Forma Pauperis

UNITED STATES

State of Pennsylvania
County of Delaware

Peter Christian Charles Roper
GARDEN RIDGE COURT

No. _____

Motion and Declaration for Leave to Proceed in Forma Pauperis

INSTRUCTIONS: If you do not pay the fee, file this completed form with your petition for review or notice of appeal within 14 days of the date of docketing. Complete all questions in this application and then sign it. Do not leave any blanks; if the answer to a question is "0", "none", or "not applicable" (N/A), write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case docket number, and the question number. Failure to fully answer the questions may result in a denial of the motion.

Petitioner/Appellant hereby moves for leave to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915, in this case and submits the following declaration in support thereof:

Peter Christian Charles Roper, am the Petitioner/Appellant in the above-entitled case. In support of my motion to proceed on appeal without being required to pay the docketing fee, I state that I am unable to pay the fee because of my poverty; that I believe that I am entitled to redress; and that the issues which I desire to present on appeal are the following:

FOR COMPENSATION AND PAYMENT OF PATENT AND (17) COUNTS
COPYRIGHT ROYALTIES FOR MY U.S. PATENT 4,713,909 USCT 11635

I further declare that the responses which I have made to the questions and instructions below relating to my ability to pay the docketing fee are true.

1. For both you and your spouse, estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>700</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Self-employment	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>

I AM Presently UNEMPLOYED

FORM 6. Motion and Declaration for Leave to Proceed In Forma Pauperis (continued)

	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Interest and dividends	\$ 0	\$ NA	\$ 0	\$ 0
Gifts	\$ 0	\$ NA	\$ 0	\$ 0
Alimony	\$ 0	\$ NA	\$ 0	\$ 0
Child support	\$ 0	\$ NA	\$ 0	\$ 0
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ NA	\$ 0	\$ 0
Disability (such as social security, insurance payments)	\$ 0	\$ NA	\$ 0	\$ NA
Unemployment payments	\$ 0	\$ NA	\$ 0	\$ NA
Public assistance (such as welfare)	\$ 0	\$ NA	\$ 0	\$ 0
Other (specify) _____	\$ 0	\$ NA	\$ 0	\$ 0
Total monthly income:	\$ 700	\$	\$	\$

2. List your employment history for the past two years, most recent employer first. (Gross monthly pay is pay before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
<u>GAMMA INDUSTRIES</u>	<u>7757 Sunset Blvd</u>	<u>8/15/05 - 7/1/06</u>	<u>\$ 700</u>
	<u>Los Angeles CA</u>	<u>I am presently unemployed</u>	

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is pay before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
<u>NA</u>			

4. Are you presently incarcerated? Yes ☐ No ☒ If so, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

Form 6

FORM 6. Motion and Declaration for Leave to Proceed in Forma Pauperis (continued)

5. How much cash do you and your spouse have? \$ 0

Below, state any money you or your spouse have in bank accounts or in any other financial institution. State the average monthly balance.

Financial institution	Type of account	Amount you have	Amount your spouse has
<u>NA</u>	<u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
<u>NA</u>	<u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>

6. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	(Value)	Other real estate	(Value)	Other assets	(Value)
<u>\$30,000</u>					

Other assets	(Value)	Motor vehicle #1 Make, model & year:	Motor vehicle #2 Make, model & year:
<u>NA</u>		<u>Lincoln</u> Value: <u>\$4000</u>	
		Registration #:	Registration #:

7. State every person, business, or organization owing you or your spouse money, and the amount owed:

Person, business or organization owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>GARDEN RIDGE CORP</u>	<u>CASE IS IN COURT</u>	
<u>JOAN STUBS</u>	<u>CASE IS IN COURT</u>	

FORM 6. Motion and Declaration for Leave to Proceed In Forma Pauperis (continued)

8. State the persons who rely on you or your spouse for support:

Name	Relationship	Age
Peter Christina Potter	SOLT	53

9. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your spouse
Rent or home mortgage payment (include lot rented for mobile home)	\$ <u>700</u>	\$ <u>NA</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>500</u>	\$ <u>NA</u>
Home maintenance (repairs and upkeep)	\$ <u>200</u>	\$ <u>NA</u>
Food	\$ <u>2000</u>	\$ <u>NA</u>
Clothing	\$ <u>100</u>	\$ <u>NA</u>
Laundry and dry cleaning	\$ <u>100</u>	\$ <u>NA</u>
Medical and dental expenses	\$ <u>100</u>	\$ <u>NA</u>
Transportation (not including motor vehicle payments)	\$ <u>2000</u>	\$ <u>NA</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>100</u>	\$ <u>NA</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeworker's or renter's	\$ <u>300</u>	\$ <u>NA</u>
Life	\$ <u>NA</u>	\$ <u>NA</u>
Health	\$ <u>NA</u>	\$ <u>NA</u>
Motor vehicle	\$ <u>70</u>	\$ <u>NA</u>
Other: _____	\$ _____	\$ <u>NA</u>
Taxes (not deducted from wages or included in mortgage payments) (specify): _____	\$ <u>1000</u>	\$ _____

FORM 6. Motion and Declaration for Leave to Proceed in Forma Pauperis (continued)

	You	Your spouse
Installment payments		
Motor vehicle	\$ <u>0</u>	\$ <u>NA</u>
Credit card (name): _____	\$ <u>0</u>	\$ <u>NA</u>
Department store (name): _____	\$ <u>0</u>	\$ <u>NA</u>
Other: _____	\$ _____	\$ <u>NA</u>
Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business, profession or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____
Total monthly expenses:	\$ _____	\$ _____

10. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No If yes, describe on an attached sheet.

11. Have you paid, or will you be paying, an attorney any money for services in connection with this case, including the completion of this form?

☒ Yes ☐ No If yes, how much? \$ _____

If yes, state the attorney's name, address, and telephone number:

John Phillips
Prison St. Wilmington DE

12. Have you paid, or will you be paying, anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☐ No If yes, how much? \$ _____

If yes, state the person's name, address, and telephone number:

13. Provide any other information that will help explain why you cannot pay the docketing fees for your appeal or petition for review.

I Am Presently Unemployed, AND HAVE
AND I HAVE ALREADY PAID FOR ANOTHER Injury
Case in U.S. Court of Appeals in Washington
DC

FORM 6. Motion and Declaration for Leave to Proceed in Forma Pauperis (continued).

14. Have you ever filed a motion for leave to proceed in forma pauperis in any other case in this court? ☐ Yes ☒ No ☒ If yes, state the name and docket number of that case.

15. State the address of your legal residence:

1356 21 St Douglas Arizona 85607

Your daytime phone number: (520) 805 0584

Your social security number: _____

Your age: 53 Your years of schooling: 21

You must sign and date the declaration under penalty of perjury.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury, under the laws of the United States, that my answer on this form are true and correct.

11/7/06
Date

John Antonio Charles Lopez
Petitioner's/Appellant's signature

I Swear SO HELP me
God

cc:

ORDER OF THE COURT

The motion to proceed in forma pauperis is DENIED. The docketing fee must be paid within 14 days.

The motion to proceed in forma pauperis is GRANTED. Let the applicant proceed without prepayment of the docketing fee.

Circuit Judge

Date

Circuit Judge or Clerk

Date

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:)	Chapter 11
)	
GARDEN RIDGE CORPORATION,)	Case No. 04-10324 (KJC)
<i>et al.</i> ,)	
Debtors.)	Jointly Administered
)	Ref. Docket Nos. 2117, 2119, 2132, 2144, 2240,
		2252, 2278, 2279, 2285

**ORDER DENYING (I) MOTION FOR RECONSIDERATION TO
GRANT PAYMENT FOR CLAIMS (DOCKET NO. 2117), AND
(II) MOTION FOR ORDER RE: LEAVE TO FILE ACTION WITHOUT
PREPAYMENT OF FILING FEE IN FORMA PAUPERIS (DOCKET NO. 2119)**

Upon consideration of the *Motion for Reconsideration to Grant Payment for Claims* (the "Motion") [see Docket No. 2117] filed by Peter Christian Roper ("Roper") on March 20, 2006; and upon consideration of the opposition of the above-captioned reorganized debtors' (collectively, the "Debtors") thereto [see Docket No. 2132]; and upon consideration of the *Motion for Order re: Leave to File Action Without Prepayment of Filing Fee In Forma Pauperis* (the "IFP Motion") [see Docket No. 2119] filed contemporaneous with the Motion; and the Court having held a hearing to consider the Motion, the IFP Motion and the Debtors' opposition thereto on April 11, 2006 (the "Hearing"); and the Court having determined at the Hearing that Mr. Roper should be afforded an evidentiary hearing (an "Evidentiary Hearing") in order to substantiate and meet the burden of proof required to adequately consider the relief requested in the Motion and the IFP Motion; and, therefore, the Court having entered an order (the "First Order") on April 13, 2006 [see Docket No. 2144] scheduling the Evidentiary Hearing for July 18, 2006 and ruling that "[a]s indicated to the parties at the April 11, 2006 hearing, if Mr. Roper[] fails to appear at the scheduled evidentiary hearing, the Court intends to deny the Motion and the IFP Motion"; and the Court having entered a further order (the "Second Order")

rescheduling the Evidentiary Hearing for August 31, 2006 and ruling that “[a]s indicated at the April 11, 2006 hearing and in this Court’s Order of April 13, 2006, if Mr. Roper fails to appear at the scheduled hearing, the Court intends to deny the Motion and the IFP Motion”; and the Court having entered an order on August 28, 2006 (the “August 28th Order”) [see Docket No. 2285], denying Mr. Roper’s further request to adjourn the Evidentiary Hearing; and Mr. Roper having failed to personally appear at the scheduled Evidentiary Hearing to consider the Motion and the IFP Motion; and upon the findings of fact and conclusions of law set forth on the record of the Hearing and the rulings contained in the First Order and the Second Order, it is hereby

ORDERED, that the Motion and the IFP Motion are denied.

Dated: August 31, 2006
Wilmington, Delaware



KEVIN J. CAREY
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

APPEAL TRANSMITTAL SHEET

Case Number: 04-10324 ☒ BK ☐ AP

If AP, related BK Case Number: _____

06 - 723

Title of Order Appealed:

Order Denying (I) Motion for Reconsideration to Grant Payment for Claims and (II) Mot

Docket Number: 2290

Date Entered: 8/31/06

Item Transmitted: ☒ Notice of Appeal

☐ Motion for Leave to Appeal

☐ Amended Notice of Appeal

☐ Cross Appeal

Docket Number: 2302

Date Filed: _____

*Appellant/Cross Appellant:

Peter Christian Roper

*Appellee/Cross Appellee

Garden Ridge Corporation et al

Counsel for Appellant:

Pro-se

Counsel for Appellee:

Sean T Greecher

Young Conaway Stargatt & Taylor

The Brandywine Bldg

1000 West St 17 Fl

Wilmington, DE 19801

**If additional room is needed, please attach a separate sheet.*

Filing Fee paid? ☐ Yes ☒ No

IFP Motion Filed by Appellant? ☒ Yes ☐ No

Have Additional Appeals to the Same Order been Filed? ☐ Yes ☐ No

If so, has District Court assigned a Civil Action Number? ☐ Yes ☐ No Civil Action # _____

Additional Notes:

Substance of appeal revisits CA 06-555. IFP application granted 11/28/06

11/30/06
Date

By: Ken Brown
Deputy Clerk

FOR USE BY U.S. BANKRUPTCY COURT

Bankruptcy Court Appeal (BAP) Number: _____
7/6/06